

**PLANNING AND ZONING COMMISSION
MINUTES
GENERAL MEETING
June 7, 2005**

Place: Room 206
Town Hall

TIME: 8:00 PM

PLANNING AND ZONING COMMISSION MEMBERS ATTENDING:
Damanti, Bigelow, Forman, Kenny, Spain

STAFF ATTENDING: Ginsberg, Keating

GENERAL MEETING

Chairman Damanti read the following agenda item:

Flood Damage Prevention Application #221-ADM, Thomas & Linda Hoyt, 17 Lynn Court.
Proposing to construct an addition to the north side of the existing residence, and perform related site development activities. The subject property is located on the west side of Lynn Court, approximately 555 feet south of its northernmost intersection with Hoyt Street, and is shown on Assessor's Map #31 as Lot #20, in the R-1/3 Zone.

Director of Planning Jeremy Ginsberg explained that the applicants have already obtained approval from the Environmental Protection Commission and the Zoning Board of Appeals to construct an addition on the north side of the existing house. Since the property is in the Flood Hazard Zone, they also need to obtain Planning & Zoning Commission approval. Commission members noted that the applicant had submitted signatures from the neighbors indicating that the neighbors had no objections to the proposal and saw no need for a public hearing. The Commission members agreed that a public hearing would not be necessary. Commission members mentioned that final certification from an architect and/or engineer regarding the foundation design will need to be submitted when the Zoning Permit application is submitted. Once the foundation is installed, the architect or engineer must certify that the contractor has constructed the foundation to comply with the Flood Damage Prevention Regulations.

Mr. Ginsberg mentioned that one of the conditions of the Zoning Board of Appeals' approval was the relocation of the storage shed on the rear portion of the property to a new location on the property that will comply with the Zoning Regulations. He has discussed this with the applicant and the shed will either be relocated a few more feet from the side property line or it will be relocated to an area adjacent to the driveway. In either case, they will need to obtain approval from the Environmental Protection Commission, and that work must be completed prior to the use of or issuance of Certificate of Occupancy for the addition. The Commission members had no problem with the either of the shed relocation options.

The following motion was made: that the Commission approve the project and authorize the staff to issue the necessary permits. The motion was made by Mr. Spain, seconded by Mr. Kenny and unanimously approved.

Chairman Damanti read the following agenda item:

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Special Permit Application #66-J, Darien YMCA, 2420 Boston Post Road.

Request for additional time to comply with Condition D and G of the Commission's Adopted Resolution. Condition D requires that shades, curtains etc. be installed on the windows in the pool by May 30, 2005. The YMCA requests a 30-day extension to complete the installation of the shades. The YMCA also requests an extension of Condition G - to install the approved plantings to the east of the YMCA property in the fall.

Director of Planning Jeremy Ginsberg explained that he has met with representatives of the YMCA and with the neighboring property owner Judge Atkinson to determine the appropriate location for the installation of the privacy fence between the new parking area and the neighbor and the landscaping vegetation. The YMCA officials indicate that they wish to transplant some of the large trees from within the site but, in order to insure the survivability of the trees being transplanted, they cannot do that work until the fall. The YMCA officials also request a 30-day extension of the time period needed to install the shades and curtains within the swimming pool room of the YMCA. The installation of those shades was a condition of the approval granted by the Commission.

The Commission discussed the options involved and the following motion was made: that the Commission authorize the 30-day extension of the time period in order to install the shades and curtains within the building and the Commission also authorizes the extension of time for transplanting of landscape material until the end of the fall of 2005. The motion was made by Mr. Spain, seconded by Mr. Bigelow and unanimously approved.

Discussion, deliberation and possible decisions on closed public hearing items:

Subdivision Application #496-A, Coastal Site Plan Review #203, Steven & Georgina Black, 209 Long Neck Point Road. Proposing to remove existing tennis court, divide existing 2.17+/- acre parcel into two building lots, and perform related site development activities within a regulated area. The subject property is located on the east side of Long Neck Point Road, approximately 1,525 feet south of the southerly intersection with Pear Tree Point Road, shown on Assessor's Map #61 as Lot #10 and #10-2, in the R-1 Zone.

Chairman Damanti noted that the next four items in the agenda had previously been heard by the Commission, and the staff has drafted Resolutions for each of the items. The following motion was made: that the Commission waive the process of reading each of the draft Resolutions aloud because each member of the Commission has had an opportunity to review the drafts prior to the meeting. The motion was made by Mrs. Forman, seconded by Mr. Kenny and unanimously approved.

Mr. Bigelow said that he will not participate in the Black matter because he had not attended the meetings regarding this item.

Commission members mentioned that the applicant had granted several extensions of time to allow the Commission members to postpone the decision. Mr. Ginsberg noted that the applicant was not anxious to get a decision from the Planning & Zoning Commission because part of that decision will require the removal of the tennis court prior to the creation of the new boundary line. Commission members all believed that the extensions granted by the applicant should be

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specifically mentioned in the Resolution. Mr. Ginsberg agreed to incorporate that change. The following motion was made: that the Commission adopt the following Resolution to approve the subdivision application. The motion was made by Mrs. Forman, seconded by Mr. Spain. Voting in favor of the motion were Mrs. Forman, Mr. Spain, Mr. Damanti and Mr. Kenny. Mr. Bigelow abstained because he was not at the public hearing on this matter. The motion passed by a vote of 4 to 0 to 1.

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ADOPTED RESOLUTION
June 7, 2005**

Application Number: Subdivision Application #496-A
Coastal Site Plan Review #203

Tax Assessor's Map #61 Lot #10 and #10-23

Name and Address of Property Owner: Steven & Georgina Black
209 Long Neck Point Road
Darien, CT 06820

Name and Address of Applicant &
Applicant's Representative: Joseph J. Rucci, Esq.
Rucci Burnham Carta & Edelberg
30 Old King's Highway South
Darien, CT 06820

Activity Being Applied For: Proposing to remove the existing tennis court, divide the existing 2.17+/- acre parcel into two building lots, and perform related site development activities within a regulated area.

Property Location: The subject property is located on the east side of Long Neck Point Road, approximately 1,525 feet south of the southerly intersection with Pear Tree Point Road.

Zone: R-1 Zone

Date of Public Hearing: February 22, 2005
An extension of time to decide this matter was granted by the applicant on March 30, 2005.

Time and Place: 8:00 p.m. Room 119 Darien Town Hall

Publication of Hearing Notices
Dates: February 10 & 17, 2005 Newspaper: Darien News-Review

Date of Action: June 7, 2005 Action: APPROVED WITH CONDITIONS

Scheduled Date of Publication of Action: June 16, 2005 Newspaper: Darien News-Review

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The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Section 810 of the Darien Zoning Regulations and all applicable sections of the Subdivision Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted subdivision plans, and the testimony contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. The subject parcel is 2.17+/- acres, and is located in the R-1 Zone. There is currently one house on the lot, and the applicant proposes to remove the existing tennis court, divide the existing 2.17+/- acre parcel into two building lots, and perform related site development activities within a regulated area. The new lot will be served by public sanitary sewer, and public water supply. No activity whatsoever is proposed within 200 feet of mean high water, as part of this application.
2. Evidence was submitted at the public hearing showing that in 1974, the subject property was shown as two separate parcels. When the tennis court was constructed subsequent to 1974, the two lots were merged. This application seeks to once again subdivide the 2.17 +/- acre parcel.
3. The schematic residence shown on the Conceptual Site Plan prepared by Stearns & Wheler (dated 1/18/05) is for general planning purposes only, and is not meant to show a specific house design. The owners of the property might construct the house and other structures that are not the same size or in the same location as the Conceptual Site Plan, as long as the structures conform to the applicable Zoning Regulations.
4. The Commission has considered all evidence offered at the Public Hearing regarding the character and extent of the proposed activities, the land involved, the possible effects of the activities on the subject property and on the surrounding areas, and the suitability of such actions to the area for which it is proposed.
5. The potential adverse impacts of the proposed activity, as modified within this resolution, on coastal resources are acceptable.
6. The Commission finds that the proposed development, if properly implemented and protected, is not contrary to the goals, objectives and policies of the Coastal Area Management Program.
7. The proposed activity, as modified within this resolution, is consistent with the goals and policies in Section 22a-92 (the Connecticut Coastal Area Management Act) of the Connecticut

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General Statutes. The conditions as outlined herein include all reasonable measures which would mitigate any adverse impacts by the proposed activity on coastal resources.

NOW THEREFORE BE IT RESOLVED that Subdivision Application #496-A and Coastal Site Plan Review #203 are hereby modified and approved subject to the foregoing and following stipulations, modifications and understandings:

- A. The subdivision shall be in accordance with the following plan submitted to and reviewed by the Commission:
 - Property Survey for Two Lot Re-subdivision prepared for Steven H. Black Georgina Dopico Black, 209 Long Neck Point Road, by William W. Seymour & Associates, scale 1"=20', dated January 17, 2005.
- B. All utilities serving this property shall be underground. These include, but are not limited to, electrical, telephone, cable TV, and all other wiring.
- C. Since there is no new road construction and no extension of public utility facilities, the Commission waives the requirement for submission of a Performance Bond.
- D. In accordance with Article IV Section C2 of the Darien Subdivision Regulations, there is no requirement to provide open space as part of this resubdivision.
- E. The tennis court shall be removed prior to filing the mylar in the Darien Land Records. Also prior to preparing the final mylar, lot numbers and street addresses shall be verified by the applicant with the Assessor. Those should be included on the mylar for filing.
- F. As part of the development of the newly created lot, a detailed storm water management/ Drainage Plan shall be submitted with any application for Zoning and Building Permits for construction on that lot (the submitted Conceptual Site Plan was for conceptual plans, not what is actually to be constructed). The Plan shall be reviewed, modified as necessary, and approved by the Town Engineer prior to the issuance of a Zoning Permit. The Plan shall be implemented to assure that development will not have any negative impact upon the street or neighboring property(ies), and meet all of the requirements in the Darien Subdivision Regulations. Certification by a professional engineer of proper installation of said Drainage Plan shall be submitted to the Planning & Zoning Office prior to the use of, or the issuance of a Certificate of Occupancy, for the new residence.
- G. During construction, the applicant shall utilize the sediment and erosion controls illustrated on the submitted Conceptual Site Plan, and any additional measures as may be necessary due to site conditions. These sediment and erosion controls shall be installed and maintained to minimize any adverse impacts during the construction and until the area has been revegetated or destabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans. All erosion control measures must be maintained until the disturbed areas are stabilized.

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- H. This subdivision approval does not relieve the applicant of the responsibility of complying with all other applicable rules, regulations and codes of the Town, State, or other regulating agency. Prior to commencing development activities involving curb cut(s) or other work within the street right-of-way in Long Neck Point Road, the applicant shall obtain street opening approval from the Darien Public Works Department. Also, a Sewer Connection Permit is required to tie into the sanitary sewer system.
- I. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the approval and/or permit as it deems appropriate.

All provisions and details of the plan shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final plan by the Chairman. All completed requirements and materials (the final mylar with Lot numbers and street addresses), shall be completed and submitted to the Planning and Zoning Department within 60 days of this action or this approval shall become null and void.

Chairman Damanti read the following agenda item:

Special Permit Application #11-M, Ox Ridge Hunt Club, 516 Middlesex Road. Proposing to amend the existing Special Permit to allow the auction of motor vehicles in July 2005. Subject property is located on the south and east sides of Middlesex Road, directly across from its intersection with Ox Ridge Lane, and is shown on Tax Assessor's Map #6 as Lot #149, R-2 Zone.

Commission members noted that the Hunt Club Special Event list does not include the proposed luxury automobile auction but the proposal is only for a temporary one-time event for a few days and did not result in any objection by the neighbors. After further discussion, the following motion was made: to adopt the following Resolution to approve the application.

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ADOPTED RESOLUTION
June 7, 2005**

Application Number: Special Permit #11-M

Tax Assessor's Map #6 Lot #149

Name and Address of Applicant and Applicant's Representative:	Bonhams & Butterfields 220 San Bruno Avenue San Francisco, CA 94103
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Name and Address of Property Owner:	Ox Ridge Hunt Club, Inc. 512 Middlesex Road Darien, CT 06820
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Activity Being Applied For: Proposing to amend the existing Special Permit to allow a special, one time, four day event involving the auctioning of luxury motor vehicles in July 2005.

Property Location: Subject property is located on the south and east side of Middlesex Road, directly across from its intersection with Ox Ridge Lane

Zone: R-2

Date of Public Hearing: May 24, 2005

Time and Place: 8:00 P.M. Room 206 Town Hall

Publication of Hearing Notices

Dates: May 12 & 19, 2005

Newspaper: Darien News-Review

Date of Action: June 7, 2005

Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action:
June 16, 2005

Newspaper: Darien News-Review

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Sections 400 and 1000 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. The Ox Ridge Hunt Club is a Special Permit Use under Section 404d. of the Darien Zoning Regulations. The subject application is for the amendment of the existing Special Permit to allow the auction of motor vehicles in July 2005. This is a one-time request.
2. There are no plans to increase the membership or change the existing uses or activities on-site as part of this application.
3. The nature of the proposed use is such that the project will not hinder or discourage the appropriate development and use of adjacent land and buildings, or impair the value thereof.
4. The location and size of the use conforms to the requirements of Section 1005 (a-g) and will not adversely affect public health, safety and welfare.

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NOW THEREFORE BE IT RESOLVED that Special Permit #11-M is hereby granted subject to the foregoing and following stipulations, modifications and understandings:

- A. Per the May 6, 2005 letter submitted by the applicant, this auction will occur in July 2005. It is a one-time event, and no request has been made for future years. Any such request will need prior review and approval by the Planning and Zoning Commission.
- B. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right to modify, suspend, or revoke the permit as it deems appropriate.
- C. The granting of this Permit does not relieve the applicant of responsibility of complying with all applicable rules, regulations, and codes of other Town, State, or other regulating agencies. In particular, approvals will be needed from the Darien Health Department for food/beverage services and sanitary facilities; as well as the Building Official and Fire Marshal for the electrical services, temporary tents and other activities and structures.

All provisions and details of the request shall be binding conditions of this action.

The motion was made by Mr. Kenny, seconded by Mr. Spain and unanimously approved.

Mr. Damanti read the following agenda item:

Land Filling & Regrading Application #140, 15 Salt Box Lane, LLC, 15 Salt Box Lane.
Proposing to regrade a portion of the back yard, construct a retaining wall, and perform related site development activities. The subject property is located on the west side of Salt Box Lane, approximately 725 feet north of its intersection with Boston Post Road, and is shown on Assessor's Map #45 as Lot #10, in the R-1/3 Zone.

Mr. Damanti recused himself from participation because Attorney Pierson represents the applicant and Mr. Damanti shares office space with Mr. Pierson. Mr. Spain served as acting Chairman. The Commission members discussed the fact that the site work had already started to occur and the applicant is now seeking the necessary Special Permit. After further discussion, the following motion was made: that the Commission adopt the following Resolution and approve the project.

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ADOPTED RESOLUTION
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Application Number: Land Filling & Regrading Application #140

Street Address: 15 Salt Box Lane
Assessor's Map #45 Lot #10

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Name and Address of Applicant
And Property Owner: 15 Salt Box Lane, LLC
c/o Dennis Conroy
66 Mountain Laurel Drive
Waterbury, CT 06704

Name of Applicant's Representative: Stephen Pierson, Esq.
Pierson Law Firm
777 Boston Post Road
Darien, CT 06820

Activity Being Applied For: Proposing to regrade a portion of the back yard, construct a retaining wall, and perform related site development activities.

Property Location: The subject property is located on the west side of Salt Box Lane, approximately 725 feet north of its intersection with Boston Post Road.

Zone: R-1/3 Zone

Date of Public Hearing: May 24, 2005

Time and Place: 8:00 P.M. Room 206 Town Hall

Publication of Hearing Notices

Dates: May 12 and 19, 2005

Newspaper: Darien News-Review

Date of Action: June 7, 2005

Action: APPROVED WITH CONDITIONS

Scheduled Date of Publication of Action:
June 16, 2005

Newspaper: Darien News-Review

The Commission has conducted its review and findings on the bases that:

- the proposed activities must comply with all provisions of Sections 400, 850 and 1000 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed activities are described in detail in the application, and the statements of the applicant's representative whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

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1. The proposal is to regrade a portion of the back yard, construct a retaining wall, and perform related site development activities. All regrading will occur in the back yard, and a number of trees near the rear lot line will remain in place. There will be no change in water flow on the property, and a swale will be created in order to avoid water flowing onto neighbors' properties. Some of the regrading work has already been started, despite the lack of a permit or authorization to do so.
2. The application has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.
3. The proposal conforms to the standards for approval as specified in Section 1005 (a) through (g) of the Darien Zoning Regulations.

NOW THEREFORE BE IT RESOLVED that Land Filling and Regrading Application #140 is hereby approved subject to the foregoing and following stipulations, modifications and understandings:

- A. Filling, regrading, and construction of the retaining wall shall be in accordance with the following plan submitted to and reviewed by the Commission:
 - As-Built Plot Plan – Lot 7 “George M. Calve” Subdivision, Salt Box Lane, prepared for Castlegate Corporation, by Land-Data Engineers, dated 8/30/04, and last revised 4/6/05, Sheet 1 of 1.
- B. Due to the minor nature of the project, the Planning and Zoning Commission will not require a Performance Bond.
- C. Sediment and erosion controls shall be installed to properly manage storm water runoff and to minimize any adverse impacts during the construction and until the area has been revegetated or destabilized. All erosion control measures must be maintained until the disturbed areas are stabilized.
- D. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.
- E. The granting of this approval does not relieve the applicant of the responsibility of complying with all other applicable rules, regulations and codes of the Town, State, or other regulating agencies.
- F. This permit shall be subject to the provisions of Sections 858 and 1009 of the Darien Zoning Regulations, including but not limited to, implementation and completion of the approved plan within one (1) year of this action (June 6, 2006). This may be extended as per Sections 858 and 1009.

All provisions and details of the application shall be binding conditions of this action and such approval shall become final upon the signing of the final documents. A Special Permit form shall

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be filed in the Darien Land Records within 60 days of this action, or this approval shall become null and void.

The motion was made by Mr. Bigelow and seconded by Mrs. Forman. Voting in favor of the motion were Mr. Bigelow, Mrs. Forman, Mr. Spain and Mr. Kenny. Mr. Damanti did not participate. The motion was passed by a vote of 4 to 0 to 1.

Chairman Damanti reassumed the role of Chairman and read the following agenda item:

Land Filling & Regrading Application #53-A (2), Darien High School Building Committee, 80 High School Lane. Proposal for an amendment of the existing Special Permit to allow the periodic use of a portable recycling plant (crusher) to process existing material on-site. The subject property is located on the north side of High School Lane approximately 1,200 feet west of its intersection with Middlesex Road, and is shown on Tax Assessor's Map #9 as Lots #80 and #81, R-2 Zone.

Commission members noted that the contractor might need to come back to the Commission one more time for additional rock crushing in the fall. After further discussion, the following motion was made: that the Commission adopt the following Resolution to approve the request.

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
June 7, 2005**

Application Number: Amendment of Land Filling and Regrading Application #53-A(2)

Assessor's Map #9, Lots #80, #81

Name and Address of Applicant: Darien High School Building Committee
And Applicant's Representative: c/o Town of Darien
2 Renshaw Road
Darien, CT 06820

Name and Address of Property Owner: Darien Board of Education
2 Renshaw Road
Darien, CT 06820

Activity Being Applied for: An amendment of the existing Special Permit to allow the periodic use of a portable recycling plant (crusher) to process existing material on-site.

Property Location: The subject property is located on the north side of High School Lane approximately 1200 feet west of its intersection with Middlesex Road.

Zone: R-2

Date of Public Hearing: May 24, 2005

Time and Place: 8:00 P.M. Room 206 Town Hall

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Publication of Hearing Notices

Dates: May 12 & 19, 2005

Newspaper: Darien News-Review

Date of Action: June 7, 2005

Action: APPROVED WITH CONDITIONS

Scheduled Date of Publication of Action:
June 16, 2005

Newspaper: Darien News-Review

The Commission has conducted its review and findings on the bases that:

- the proposed activities must comply with all provisions of Sections 400, 850 and 1000 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed activities are described in detail in the application materials, and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. On December 13, 2001, a land filling and regrading application was approved for grading, excavation, and earth removal activities in connection with a proposal to construct a new Darien High School, and to modify existing playing fields and regrade throughout the entire site to construct new drives, playfields and parking areas. One of the conditions in the Commission's December 13, 2001 approval was Condition F, which reads as follows:
F. As noted in Section 856 of the Darien Zoning Regulations, no processing, sorting, crushing, mixing, fabrication or other similar activities shall be engaged in or be operated on the site.
The Commission has approved amendments to this application in the past to allow rock crushing on the premises for limited periods of time. This proposal is a request to again amend that land filling approval to allow the periodic use of a portable recycling plant (hereinafter referred to as "crusher" or "rock crusher") to process existing material on-site.
2. The applicant hereby requests that a rock crusher be allowed on-site during three weeks in early summer 2005. The off-site processing of this rock would result in a large number of truck trips to remove the material. Thus, the applicant has requested to process that material on-site.
3. At the public hearing, it was noted that this rock crusher would generate noise, and could also generate dust. Mr. Ron Martin of Guerrero Construction said that there have been no complaints regarding the prior rock crushing activity at the site.

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4. The location and operation of the rock crusher was discussed at the public hearing. The proposed location has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000 and 1020.
5. The location of the rock crusher, the nature and intensity of the proposed operations involved in or conducted in connection with it, the size of the site in relation thereto, and the location of the site with respect to streets giving access to it, are such that, if the crushing operation is conducted in the manner described to the Commission and with the appropriate controls on dust, noise, hours of operation, and limited duration, then the application is in harmony with the orderly development of the district in which it is located.
6. The location and nature of the proposed activities are such that the use of the crusher will not hinder or discourage the appropriate development and use of adjacent land and buildings, or materially impair the value thereof.
7. The elements of the Site Plan as revised accomplish the objectives for Site Plan approval as specified in subsections 1024-1025 of the Darien Zoning Regulations.
8. The design, location, and specific details of the proposed grading, excavation and earth removal activities will not adversely affect safety in the streets nor increase traffic congestion in the area, nor will they interfere with the patterns of highway circulation in such a manner as to create or augment unsafe traffic conditions between adjoining developments and the district as a whole.
9. The proposal conforms to the standards for approval as specified in Section 1005 (a) through (g) of the Darien Zoning Regulations.
10. The Commission is satisfied that proper provision has been made to control: ground stability, including the prevention of soil erosion and earth slides; storm water runoff; pollution, siltation and stream erosion; flying dust and erosion by wind; conservation of the fertility of existing topsoil; and the preservation of significant trees, vegetation and other natural resources.

NOW THEREFORE BE IT RESOLVED that Amendment of Land Filling & Regrading Application #53-A(2) is hereby granted with the foregoing and following stipulations, modifications and understandings:

- A. The location of the portable recycling plant (crusher) shall be in accordance with the following plans submitted to the Commission:
 - Sedimentation & Erosion Control Plan – Phase 1, Darien High School, by Herbert S Newman and Partners, scale 1"=60', dated 08/30/02 (and received Apr 21, 2005), Sheet C5.00.
 - Sedimentation & Erosion Control Plan – Phase 2, Darien High School, by Herbert S Newman and Partners, scale 1"=60', dated 08/30/02, Sheet C5.10. This plan has written notations showing the processed material stockpile area in green.

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- B. The Commission at this time is only granting a permit to use the rock crusher for a maximum three-week (15 consecutive working days) time period in the early summer of 2005. The applicant shall notify the Planning and Zoning Department prior to the scheduled start date. By August 15, 2005, all crushing and processing operations at the site shall cease and shall not be resumed unless and until an additional permit is obtained. The crusher and all support equipment shall be promptly removed from the site. Any request for rock crushing beyond August 15, 2005 will require a separate application to the Commission.
- C. During the temporary operation of the crusher, the applicant must control the noise and dust and must abide by the time limitations of this permit. Dust control is not limited to the water spray system in the equipment. Dust from the entire crushing operation (from the existing stockpile to be picked up, the movement of the loader machine to the crusher, the actual crushing, to the new stockpile of the crushed and processed material) must be properly controlled.
- D. The approved hours of operation for the rock crusher are: 8am-4pm Monday through Friday. Although the crusher can be "warmed up" as early as 7:45am, it shall not crush rocks before 8am. No Saturday hours are approved.
- E. A water spray system shall be in use at all times with the rock crusher in order to minimize and control dust. The applicant is responsible for complying with all applicable OSHA, MSHA, and Clean Air Management Permits and requirements. Any required reports that need to be filed with those agencies regarding the use of the crusher shall also be filed in the Planning and Zoning Department. A contact phone number for OSHA and MSHA, if different from those previously filed in the last application, shall be filed with the Planning and Zoning Department prior to use of the crusher.
- F. The granting of this approval does not relieve the applicant of the responsibility of complying with all other applicable rules, regulations and codes of the Town, State, or other regulating agency.
- G. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.

All provisions and details of the proposal to use a crusher on-site shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the approved plan by the Chairman.

The motion was made by Mr. Kenny, seconded by Mrs. Forman and unanimously approved.

Discussion and deliberation only on the following:

Chairman Damanti read the following agenda item:

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Mandatory Referral, Coastal Site Plan Review #207, Flood Damage Prevention Application #223, Town of Darien Sewer Commission, Five Mile River Road.

Commission members noted that the Sewer Commission should explain in more detail why a particular project is proposed at a particular time, whether is it health related or is it driven by the desire of the residents of that area to have the sanitary sewer provided. After considerable discussion, the Commission directed staff to draft a positive mandatory referral report and to draft a Resolution granting the Coastal Site Plan and Special Permit applications. Action on the application will be taken at a future meeting in June.

Chairman Damanti read the following agenda item:

Business Site Plan #228-A, Protected Town Landmark #7-A, Little Red Schoolhouse, 21 Tokeneke Road.

Commission members discussed the application and believed that the addition to the rear of the building would be acceptable. They did ask that the staff work with the Public Works Department and other Town authorities and the property owner to make sure that it is clear who maintains the land being conveyed to the Town even though the Town is not converting this area to parking spaces at this time. They directed the staff to draft a Resolution to approve the project. Action will be taken at a future meeting in June.

Approval of Minutes

May 17, 2005 Special Meeting

Commission members discussed and agreed upon certain minor modifications to the minutes. The following motion was made: that the Commission adopt the corrected minutes. The motion was made by Mr. Spain, seconded by Mr. Kenny. All members voted in favor except Mr. Bigelow who abstained because he had not attended the meeting on May 17th.

2005 Town Plan of Conservation & Development

Discussion regarding:

- First Draft of the Land Use Concept Plans

Commission members discussed the preliminary conceptual drawings. They noted that it is essential that the rationale or reasons for the types of changes be drafted up and included in the same chapter with the conceptual drawings. They also noted that the conceptual drawings would only be an illustration of one possible scenario for the development of the area and/or for individual properties.

Any Other Business (requires two-thirds vote of Commission)

Mr. Kenny asked if the Commission could discuss several items related to the Southwest Regional Planning Agency under other business. The following motion was made: that the Commission consider other business at this time. The motion was made by Mr. Spain, seconded by Mr. Bigelow and unanimously approved. Mr. Kenny mentioned the pending state legislation that may affect the

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Darien Plan of Conservation and Development and could require that the local Plan of Conservation and Development be consistent with the Regional Plan and with the State Plan. Commission members discussed the situation and concluded that it would be more appropriate to see whether the legislation passes before spending more time considering the matter.

Mr. Kenny reported that Darien has received a grant for the study of traffic and safety issues along portions of Boston Post Road/Route One. He also noted that Darien has been accepted in the Connecticut Main Street program and that a presentation will be conducted in Tilley Pond Park on Thursday, June 16, 2005 at 11:00 a.m.

There being no further business, the meeting was adjourned at 10:07 p.m.

Respectfully submitted,

David J. Keating
Assistant Director of Planning

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